

RESOLUTION # 2018-12-17 + 2018-12-18

BEFORE THE BOARD OF TOWNSHIP TRUSTEES
OF CHESTER TOWNSHIP, MORROW COUNTY, OHIO

A RESOLUTION TO AMEND THE TOWNSHIP ZONING RESOLUTION BY
ADOPTING A COMPREHENSIVE AMENDMENT TO SECTION 508
PLANNED UNIT DEVELOPMENT REGULATIONS PURSUANT TO OHIO
REVISED CODE SECTION 519.021(C).

WHEREAS, in accordance with R.C. 519.12(A) and 519.021(C), the Board believes it would be in the public interest to amend the Township Zoning Resolution to adopt a comprehensive amendment to the existing Planned Unit Development regulations in conjunction with the establishment of a Planned Unit Development District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF CHESTER TOWNSHIP, MORROW COUNTY, OHIO:

SECTION 1. That pursuant to R.C. 519.12(A), the comprehensive amendment to the existing Planned Unit Development regulations designated Section 508, which are attached to and made part of this Resolution, are to be adopted.

SECTION 2. That the Fiscal Officer shall certify this Resolution to the Township Zoning Commission for review, hearing and recommendation in accordance with R.C. 519.12.

At the regular meeting of December 17, 2018, Trustee Larry Squires
moved for adoption of the foregoing Resolution, seconded by Trustee Anthony Shaffer
and upon roll call vote the vote was 3 aye 0 nay.

CHESTER TOWNSHIP TRUSTEES

D. Lynn Shindler
Larry Squires
Anthony Shaffer

ATTEST:

Jenny Benedict
Township Fiscal Officer

SECTION 508 PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 508.1 INTENT – It shall be the policy of Chester Township to promote progressive development of land and construction thereon by encouraging Planned Unit Developments with the following objectives:

- A) To promote flexibility in design and permit planned diversification in the type and location of structures;
- B) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
- C) To preserve, to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- D) To provide for more usable and suitably located recreation facilities and other public and common facilities that would otherwise be provided under conventional land development procedures;
- E) To combine and coordinate architectural styles, building forms, and building relationships within the Planned Unit Development;
- F) To ensure the development will not degrade or endanger the quality of life presently enjoyed by the existing residents.

SECTION 508.2 APPLICABILITY & PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS – Section 508 et seq. is adopted pursuant to Section 519.021(C) of the Ohio Revised Code. It is applicable to any property that has been rezoned as a Planned Unit Development District by the Board of Township Trustees. An owner may make application in accordance with all the Township's Section 508 regulations. Any other zoning regulations and zoning districts that exist at the time a Planned Unit Development district is established under Section 508 shall continue to apply within the Planned Unit Development district until the Township Trustees approve the owner's Planned Unit Development application. In the event any land use matter is not addressed by Section 508, then the existing and applicable regulations elsewhere within the Township's zoning resolution shall apply.

SECTION 508.3 USES PERMITTED – In a Planned Unit Development District no land may be used or occupied and no structure created, altered or used except for the following:

- A) Residential
- B) Commercial
- C) Industrial
- D) Schools, churches and other public uses
- E) Golf courses, Clubhouses, Lodges, Recreational Uses, including pool and tennis courts

For purposes of Section 508.3, the following definitions shall apply:

- A) Residential
 - 1) Single-family or multi-family permanent dwelling be it either detached, semi-detached, attached apartments, industrial unit, cluster, patio, common wall or any reasonable variation on the same theme including condominiums.

- 2) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District.

B) Commercial

- 1) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

C) Light Industrial

- 1) Light Industrial uses of all types designed, maintained and conducted wholly within, completely enclosed building, and are developed within an organized development plan which can be integrated with and are compatible with adjoining Residential neighborhoods and commercial activities.

SECTION 508.4 – All Planned Unit Developments shall have a minimum of two (2) means of ingress and egress. The entrances and exits shall connect with Federal, State or County roads. Each point of ingress/egress shall be separated by at least seven hundred and fifty (750) feet and be located on two (2) or more separate roads where possible.

SECTION 508.5 – The means of ingress and egress may be approved by the Township Trustees to utilize Township roads provided that the developer of the Planned Unit Development upgrades the roads to the County standards as reviewed and approved by the County Engineer. The upgrade shall extend in each direction to the nearest intersection with a maximum distance of a quarter (1/4) of a mile in each direction. This means that if the intersection is less than a quarter (1/4) of a mile away, the required upgrade only extends to the road to the intersection. If the intersection is more than a quarter (1/4) of a mile away, the upgrade to County standards must extend the first quarter (1/4) of a mile in both directions from the entrance and/or exit to the Planned Unit Development. There shall be no cost to the Township for any upgrading. This upgrading of the roads shall be completed before uses served directly by the road are sold. Actual upgrades will be performed and completed in accordance with Township and County statutory requirements of the Ohio Revised Code. The developer shall secure and pay all costs, i.e. engineering, construction, incurred by the Township or County prior to any upgrade.

SECTION 508.6 – All Planned Unit Development public roads shall be constructed to the County standards and approved by the County Engineer prior to any site development. Private road standards shall be approved at the discretion of the County Engineer. Utilities such as water, sewer, electric, gas, etc. may be located in the right-of-way during the road construction phase. All public roads to be constructed shall be designed, engineered, and constructed in accordance with the Ohio Revised Code and Township and County regulations.

SECTION 508.7 – All Planned Unit Developments shall be served by underground utilities. No above-ground devices or equipment other than pad mount transformers, gas, electric and water meters, telephone junction boxes, etc. shall be allowed.

SECTION 508.8 – Section 508.7 is not intended to prevent the homeowner from installing and using above-ground equipment such as pools, game courts, T.V. satellites, etc.

-SECTION 508.9 – The minimum lot size for residential buildings with private sewage systems will be three (3) acres. These homes will be constructed on lots with a frontage ratio of two (2) to one (1) depth to width ratio. This means that the depth cannot exceed two times the width of the lot that is along the public road or highway. If public sewage is available, then lot size can be reduced to a quarter (0.25) acre, if an equal lot area is permanently preserved in green space within the development through subdivision plat. All lots must still meet the frontage ratio of two (2) to one (1).

SECTION 508.10 – All Planned Unit Developments with private septic systems shall have ground borings done prior to installation by a private testing company at the expense of the builder. The County Health Department must approve all borings and all private septic systems.

SECTION 508.11 – All Planned Unit Developments shall preserve a minimum of twenty (20 %) percent of the total area of the Planned Unit Development as a “green space.” The “green zone” shall consist of old forest, ponds and wetland or other natural areas deemed acceptable by the Trustees. They shall be generally square or round and located to provide visual and sound blocking, where possible, for existing residential homes.

SECTION 508.12 – All Planned Unit Developments shall maintain an owners’ association when required by Ohio Revised Code Chapter 5312.

SECTION 508.13 – Prior to beginning development the developer will submit a stormwater study to the following departments: The Chester Township Trustees, The Morrow County Engineer's Office, The Morrow County Health Department of The Morrow County Conservation Department, and The Morrow County Soil and Water District. The developer shall comply with all requirements or directives from these departments.

SECTION 508.14 – Planned Unit Developments shall not be approved for construction on less than fifty (50) contiguous acres.

SECTION 508.15 – [Reserved]

SECTION 508.16 – All Planned Unit Developments shall design, construct, and maintain water and wastewater systems required by the Ohio EPA and the Morrow County Health Department.

SECTION 508.17 – There shall be no dead-end public road allowed in any Planned Unit Development, except for cul-de-sacs. All cul-de-sacs must be one hundred and fifty (150) feet wide at turn around unless State specifications are larger.

SECTION 508.18 – Approved fire hydrants shall be installed throughout the Planned Unit Development along the roads as directed by the Fire District serving the area. In no case shall the hydrants be located more than five hundred (500) feet from proposed buildings to be regularly occupied.

SECTION 508.19 – All roads including driveways shall be designed to support without damage the weight of fully loaded public safety vehicles. The design weight shall be no less than fifty thousand (50,000) pounds, unless otherwise specifically approved by the Zoning Commission per plan.

SECTION 508.20 – All official directives and orders of the Fire District shall be considered mandatory and incorporated in the initial design of the Planned Unit Development.

SECTION 508.21 – The developer shall post a bond or other approved security with the County Engineer to cover the cost of any improvements or repairs necessary to existing County and Township roads. The amount of that bond or security shall be determined by the County Engineer.

SECTION 508.22 – Construction traffic shall be routed on roads selected and approved by the Township and County.

SECTION 508.23 – The Township shall have authority to require a bond or bonds from the Planned Unit Development developer to protect the Township from any costs that may be incurred for public road improvements or other repairs to public roads made necessary by the developer's activities, including those of contractors and subcontractors.

SECTION 508.24 – Prior to the beginning of construction the developer will forward to the Township Trustees a map of all roads that will be used in the project. This requirement is limited to roads located in Chester Township. Construction debris, mud or other material from the Planned Unit Development shall be cleaned off all roads at least twice per day or as directed by the Township. Failure to comply shall result in forfeiture of the bond or security required in 508.23.

SECTION 508.25 – The developer shall maintain general liability insurance coverage of Five Million (\$5,000,000.00) Dollars or as may be required by Federal, State and County regulations. Copies of all insurance policies in effect shall be provided to the Township and any changes immediately reported to the Township Trustees.

SECTION 508.26 – [Reserved]

SECTION 508.27 – Ohio is known to have many historical sites containing valuable artifacts. Uncovering any artifact must be reported immediately to the Township and all work in the involved area must stop pending investigation by the Ohio Historical Society.

SECTION 508.28 – Off-street parking, loading and service areas shall be provided in accordance with applicable Zoning Resolution regulations for residential, commercial, and industrial uses.

SECTION 508.29 – Any building, accessory building, tennis court, golf course, pool or clubhouse shall be no closer than one hundred (100) feet from any boundary line of the Planned Unit Development, unless specifically approved by the Township Trustees per plan.

SECTION 508.30 – At any point where the Planned Unit Development abuts an existing public right-of-way, or where any such right-of-way is extended through the Planned Unit Development, the minimum setback from such shall be one hundred (100) feet, unless specifically approved by the Township Trustees per plan.

APPLICATION PROCEDURE

SECTION 508.31 – The owner may request a meeting with the Zoning Inspector and Township Zoning Commission prior to owner's submittal of the PUD application. The purpose of the meeting will be to clarify and explain development plans and to discuss the Township's Planned Unit Development regulations.

SECTION 508.32 – The owner of the property to be subject to Township PUD regulations shall file the application with the Township Zoning Inspector. The owner's application shall include, but not be limited to, the following:

A) WRITTEN DOCUMENTS

- 1) A legal description of the total site proposed for development;
- 2) Name, address and telephone number of owner. If the owner is represented by an agent, then the agent's name, address, telephone number and e-mail address shall be provided.
- 3) A Master Plan or Comprehensive Plan statement of planning objectives to be achieved by the Planned Unit Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. If the owner's plan proposes a development to be developed in phases, then the owner's Development Plan shall state the actual number of phases in numerical order for completion. Each phase shall be fully described and documented as required by the Township's PUD regulations. A timeline for each phase shall be provided.
- 4) A table of information about the proposed Planned Unit Development which includes the total area of the proposed Planned Unit Development and the total number of dwelling units and/or any other non-dwelling units allowed to be built within the development project.

This information may be included on one or more of the maps required for this application.

B) SITE PLANS AND SUPPORTING MAPS – A site plan and any maps necessary to show the major details of the proposed Planned Unit Development must contain the following minimum information:

- 1) The existing site conditions including contours at two (2) foot intervals, water course, flood plains, unique natural features and forest cover.

- 2) Proposed lot lines and plot designs.
- 3) The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of all existing and proposed buildings, structures and other improvements, density per type and architectural renderings of typical structures and improvements sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final detail at this stage.
- 4) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
- 5) The proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas, and major points of access to public right-of-ways (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
- 6) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system. Indicating proposed treatments of points of conflict.
- 7) The existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas, telephone lines, surface water drainage, and storm water drainage system.
- 8) A general landscape plan indicating the treatment of materials used for private and common open spaces.
- 9) Enough information on land areas adjacent to the proposed Planned Unit Development to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land used, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
- 10) The proposed treatment of the perimeter of the Planned Unit Development, including materials and technique used such as screens, fences and walls.
- 11) Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed Planned Unit Development.
- 12) A required subdivision Plat prepared in accordance with the Subdivision Regulations for Morrow County, Ohio and these Regulations.

All site plans and supporting maps shall be at a scale which is adequate to convey the information thereon. It is the discretion of the Trustees to judge the adequacy of such maps.

C) ENVIRONMENTAL AND ECONOMIC IMPACT STATEMENT – The Development Plan should provide the following details:

- 1) Impact on environmental factors:
 - a. Preservation of natural areas;
 - b. Water supply is not to be degraded by pollutants including those transported in storm water.
 - c. Identification of areas in the PUD
 - i. Areas presently developed;
 - ii. Currently vacant land suitable for development;
 - iii. Currently vacant land having some constraints to development that could be readily corrected.
 - d. Soils and flooding:
 - i. Review of soil maps to determine the limitations of the local soils;

- ii. Depiction of the flood prone areas; development will not increase the flood potentials for other properties.
- 2) Impact on economics:
 - a. Schools and township services;
 - i. The amount of money brought in by the Township in relation to money expended for additional facilities and services needed.
 - b. Property value stability:
 - i. Show that proposed change will not adversely affect property values;
 - ii. Enlisting the use of site planning to show that buildings relate harmoniously to terrain, existing buildings and roads, and nearby residences.

SECTION 508.33 – The owner/applicant must deposit with the application the required non-refundable filing fee adopted by the Township Trustees.

SECTION 508.34 – Upon the filing of an application, the Zoning Inspector shall transmit a copy to the County Regional Planning Commission. The Commission shall be requested to review and comment on the application and furnish such other assistance that may be requested by the Township Zoning Inspector or Township Trustees.

SECTION 508.35 – The Township Trustees shall schedule a meeting with the owner/applicant not more than twenty (20) days from the application filing date. The purpose of the meeting will be to discuss application procedures, the readiness of the owner for the hearing, and to schedule a hearing date for the owner before the Township Trustees.

SECTION 508.36 – The owner's hearing before the Township Trustees shall be conducted in accordance with the following:

- A) A transcript shall be taken containing all the testimony and all evidence admitted or proffered by the owner.
- B) All testimony must be given under oath.
- C) The owner or owner's attorney shall be permitted to do the following:
 - 1) Present the owner's position, arguments, and contentions;
 - 2) Offer and examine witnesses and present evidence in support;
 - 3) Cross-examine witnesses purporting to refute the owner's position, arguments, and contentions;
 - 4) Offer evidence to refute evidence and testimony offered in opposition to the owner's position, arguments, and contentions;
 - 5) Proffer any such evidence into the record, if the admission of it is denied by the Township Trustees.
- D) The owner shall be afforded the opportunity to use the power of subpoena.
- E) Conclusions of Fact supporting the Township Trustees' decision shall be filed with the transcript.

SECTION 508.37 – For purposes of considering the approval or denial of each owner's application, the Township Trustees shall include consideration of the following criteria:

- A) If the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the PUD regulations.
- B) If the proposed development advances the general public welfare of the Township and the immediate vicinity.
- C) The stated intent of Section 508.1.

SECTION 508.38 – Within twenty (20) days after the hearing, the Township Trustees shall either adopt or deny the owner's application. The Township Trustees' decision shall include a written Conclusions of Fact supporting their decision whether the application and plan complies with the Township's Planned Unit Development regulations.

SECTION 508.39 – When the application and plan are approved, it shall go into immediate effect. An approved development application shall be effective for twenty-four (24) months after approval by the Township Trustees. The approved development application may be extended an additional twelve (12) months provided there is approval by the Township Trustees. In the event the applicable approval period(s) does pass without the owner's commencement of his actual construction of any phase of the approved Development Plan for the Planned Unit Development, then the plan approval shall expire and be of no effect. The filing of a new application for a Planned Unit Development with application fee shall be required.

ADMINISTRATION OF THE DEVELOPMENT PLAN

Administration of the Development Plan shall be performed by the Township Trustees in accordance with the following procedures:

Administration Review; Minor Deviations

All plats, construction drawings and other necessary documents shall be submitted to the Township Trustees or their designated technical advisors for administrative review and approval before owner's commencement of his actual construction under any phase of an approved Development Plan to insure compliance with the Development Plan as approved. Minor changes in the approved Development Plan in the location of buildings, structures, streets or parking areas may be approved without public meeting by the Township Trustees upon submittal of a written application.

Major Deviations and Public Hearing

For the purposes of Administration, a major deviation from an approved Development Plan shall include but not be limited to changes in the use and/or character of the owner's Development Plan, increases of density of more than ten (10%) percent, increases in numbers of structures and changes in the commencement and completion of development timeline.

Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written application to the Township Trustees. The application shall specifically detail the changes requested and the reasons for the change.

Upon receipt of any application for a major deviation from the approved Development Plan, the Township Trustees shall forward the application to the Township Zoning Commission. The Commission shall make a written recommendation for the approval, modification, or denial of the application. Upon receipt of the Commission's recommendation, the Township shall hold a public meeting on the application. The public meeting shall be held within ten (10) days of receipt of the Commission's recommendation. Notice of the public meeting shall be posted as required by Township rules in compliance with R.C. 121.22. Within twenty (20) days of the meeting, the Township Trustees shall either approve or disapprove the owner's application. The applicant can amend his application at any time prior to the Township Trustees vote. Approval of the application shall require a majority vote of the Trustees. An applicant can submit subsequent applications for major deviations at any time provided there is a reasonable and material amendment to the preceding application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner wherein the opportunity for hearings and the introduction of evidence is permitted. The decisions of the Township Trustees shall be final and not appealable.